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SUMMARY RECORD OF THE 761st MEETING

Held at the Palais Wilson, Geneva,
on Tuesday, 22 January 2002, at 10 a.m.

Chairperson: Mr. DOEK

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The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Mozambique (CRC/C/41/Add.11; CRC/C/Q/MOZ/1; written replies of the Government of Mozambique to the questions in the list of issues (document without a symbol distributed in the meeting room in English only))

1. At the invitation of the Chairperson, the members of the delegation of Mozambique took places at the Committee table.

2. Mr. de CASTRO (Mozambique), introducing the report, said that a number of factors were responsible for the high rates of poverty in Mozambique: limited economic development, illiteracy, 30 years of war, external debt and recurrent natural disasters. Children's welfare had been a priority for successive Governments since independence, given that over half of the population was under 18 years of age. As a reflection of that commitment, the Declaration of the Rights of the Mozambican Child had been adopted in 1979, and the Convention on the Rights of the Child had been ratified, together with the African Charter on the Rights and Welfare of the Child. Preparations were being made to ratify the ILO Worst Forms of Child Labour Convention, 1999 (No. 182), as well as both of the Optional Protocols to the Convention on the Rights of the Child. The elaboration of the initial report had been a collective undertaking, bringing together government agencies, civil society associations and individuals, and serving to assess the situation of children's rights at central, provincial and district levels.

3. To facilitate implementation of the Convention, not only had new policies been developed, but new institutions had been established, such as the Ministry of Women and Coordination of Social Action. Efforts to disseminate the Convention had consisted of media campaigns, capacity-building for public officials and debates in schools and community settings. As a reflection of the importance attached to the child's right to express an opinion, the first session of the children's parliament had been held in 2001. In the context of the Global Movement for Children (GMFC) and the "Say Yes for Children" campaign, children had been asked to indicate their priorities for the future. They had specified efforts to combat HIV/AIDS, child welfare and education as their three most important concerns.

4. Given that over 60 per cent of the population lived in absolute poverty, the Government had attempted to raise the standard of living through specific programmes such as those concerning the rural water supply, low-cost sanitation and agricultural development. A national plan for the reduction of extreme poverty had also been approved. A number of health programmes were specifically designed to help children, including the Extended Vaccination Programme and the Mother and Child Health Programme. In the field of education, efforts to reinvigorate the system had focused on the provision of additional classrooms, the retraining of teachers, the supply of books to the poorest children, the enhancement of primary education and the promotion of education for girls.

5. Since the end of the war in 1992, 4.5 million internally displaced persons and 1.7 million refugees had returned to their communities. A programme for the reunification of families had successfully helped 16,000 orphaned or abandoned children back into their family environment. Mozambique had even become a host country to refugees from other areas affected by war, such as Angola, Burundi and the countries of the Great Lakes region.

6. The Government had recently carried out a study into the causes and impact of child labour, with a view to drafting a strategy for the elimination of its worst forms. Efforts were also made to provide rehabilitation and care for the victims of sexual exploitation. Despite the progress made in recent years to implement the Convention, the situation was still far from satisfactory. In the context of efforts to reduce poverty, further activities were required to provide children with the basic social services necessary for their development.

7. The CHAIRPERSON said that the return of internally displaced persons and refugees in the years following the end of the war had been a remarkably successful operation. He commended the Government of Mozambique on its contribution to that effort. Equally praiseworthy was the rebuilding of the educational system since the war. Mozambique had made substantial progress in reopening schools, of which 60 per cent had been destroyed or closed by 1992, and in reversing the trend of rising illiteracy. The gross domestic product had increased by 7.5 per cent since the end of the war, thanks partly to considerable international assistance, which had included debt relief.

8. However, Mozambique remained one of the poorest countries in the world, ranking number 168 on the international development index. With 75 per cent of the population living in poverty, about 1 million Mozambican citizens had emigrated to work in South Africa. Yet with falling employment opportunities there, the livelihood of those workers could shortly be threatened too. Serious flooding and political unrest in November 2000, along with a declining human rights record, also gave cause for concern. The most serious problem threatening Mozambicans was the growing HIV/AIDS epidemic. With 14.5 per cent of the adult population already infected, almost 250,000 children had lost both of their parents to AIDS, a figure which was expected to rise to 1 million by 2005. Average life expectancy was expected to drop to 36 years by 2010.

9. The initial report had taken eight months to produce, involving the cooperation of numerous non-governmental organizations (NGOs) and multidisciplinary committees in 11 provinces, as well as the relevant government ministries. It had served as an excellent illustration of how the reporting process could become a valuable learning exercise for all of the actors involved. He also welcomed the detail and frankness of the report.

10. Regarding general measures of implementation and the definition of the child, he asked for more details of the content of the Family Bill which had recently been submitted to Parliament. In the context of the legislative review process, he would welcome information concerning the proposed time frame for the implementation of new laws. The Government's overall strategy for the implementation of the Convention had been drafted in 1993, as the National Action Plan for the Child, and again in 1998, as the Social Action Strategy for the Child. How did the Social Action Strategy for the Child serve to improve educational programmes that focused on the Convention? He would like the delegation to supply the correct

title of the variously designated ministry dealing with women's affairs and social action and say whether its activities included evaluation. If they did, what had already been done or planned? He also recommended the establishment of a separate body to monitor implementation of the Convention and receive complaints.

11. Ms. CHUTIKUL congratulated the delegation on the excellent report and written replies and the fact that its preparation had successfully involved NGOs and United Nations agencies. She wished to know, however, what role children and the media had played in its preparation. Had the views of the children's parliament been incorporated? She would be interested to know whether there were plans to establish a specific monitoring body to work alongside the above-mentioned social-action ministry.

12. With the interruption of the National Action Plan in 1994, had any attempt been made to formulate a plan for the purpose of implementing the recommendations of the 1990 World Summit for Children? While applauding the existence of national plans for rural water supply and to combat HIV/AIDS, she wondered whether there was a national plan aimed exclusively at children.

13. She requested details of the action plan described in paragraph 26 of the report, which differed somewhat from the usual concept of national children's plans. Also, was there a single body to coordinate disaggregated data for use in policy planning?

14. Ms. AL-THANI said that while she was aware of Mozambique's extreme poverty and the negative effects of civil war and natural disasters, she was concerned that less than the 40 per cent of the budget required to perform social services was actually spent on them. Could the delegation provide the actual figures for such spending?

15. Was she right in thinking that only parts of the Convention had been translated and disseminated? How was it actually publicized through the media? Although conscription was a thing of the past, she would like to know the minimum age for voluntary enlistment. The ages of marriage - 16 for boys and 14 for girls - was not only too low, but also discriminatory. Could they not be harmonized and raised to 18?

16. Mr. AL-SHEDDI asked whether there was a body to coordinate the action taken by ministries and other institutions on behalf of children and, if so, what its structure was and what projects it had implemented. Nor had he found any reference to an independent monitoring body. What national action plan existed for children and how was it implemented? He would also like to know which articles of the Convention had been disseminated and the basis for their selection. Lastly, there was no law prohibiting discrimination against children: was that because no need for such a law was felt, or because the authorities found it difficult to enact such a law?

17. Ms. SARDENBERG joined her colleagues in praising Mozambique's comprehensive and informative report and expressed her satisfaction at the change from war to peace and especially to human rights and child rights in particular.

18. The Government had made courageous efforts against a background of poverty, and had in 1999 held free and fair elections that had set the foundations for the country's democratization and the implementation of the Convention. Given Mozambique's dearth of reporting on human rights instruments, she hoped that its initial report to the Committee would be the first in a series of reports to the other treaty bodies. She urged the Government to express its human rights commitments by ratifying the International Covenant on Economic, Social and Cultural Rights, thus completing its ratification of all the pertinent instruments.

19. She welcomed the fact that 25,000 weapons had been collected for destruction by 2001 and asked about plans for the second phase. Given the importance of mine clearance, what effect had floods and other natural disasters had on the demining process, which was important for the protection of children? She encouraged the authorities to continue the action described in paragraph 13 of the report, which attested to the Government's firm commitment and its involvement of civil society and amply summed up the philosophy behind the Convention.

20. She inquired as to the exact role of the Declaration of the Rights of the Mozambican Child and asked whether it was disseminated in the country. Since committees had been involved in the preparation of the initial report, were there also plans to decentralize implementation of planned activities? Also, how was social action on behalf of women conducted through the Ministry of Women and Coordination of Social Action?

21. Ms. TIGERSTEDT-TÄHTELÄ said that she was impressed with the quality of the report, which was analytical, forward-looking and frank. Although there was a high level of cooperation, it was not entirely clear exactly how the authorities cooperated with civil society. She asked whether they did so by means of contract, whether they provided budgetary resources, how such cooperation was monitored and whether the private sector was subject to the same standards as the public sector. She also wished to know whether the local authorities and NGOs were given feedback on the performance of their services.

22. Given the top-heaviness of the administration, what, if any, plans were there for decentralization of the general administration, in addition to that of education, as mentioned in the report? Many countries considered structural adjustment to be an impediment to the exercise of rights. What effect had Mozambique's long structural-adjustment process had on children?

23. Ms. OUEDRAOGO said it appeared that although international conventions were automatically included in domestic legislation, the latter sometimes took precedence. What was the real status of international conventions? The review of the country's legislation might include the drafting of a code of children's rights, a single instrument containing all provisions relating to children. She would like to know whether the authorities made use of traditional and religious structures in society for implementing the Convention. Other countries had noted that that made for easier acceptance of the Convention, especially with regard to the child as a subject of law. Was the Convention publicized with a view to gathering comments from the public, including children?

24. Mr. CITARELLA expressed appreciation of the comprehensive and frank nature of the initial report. He asked whether there was any special programme to halt the increase in HIV/AIDS infection, especially among children. Concerning the place of the Convention in the

country's constitutional system, he asked whether domestic legislation enacted both before and after ratification of the Convention took precedence over it. He would like to know the impact of the Convention on customary law and what steps the Government was taking to harmonize the latter with formal legislation.

25. Concerning the definition of the child, the age of 21 as the end of childhood was rather high compared with other countries and was probably a holdover from the Portuguese colonial era. However, although it was stated in paragraph 56 of the report that the minimum age of criminal responsibility was 16, it sometimes appeared to be as low as 10 or as high as 21. Could the delegation explain?

26. Ms. KARP asked who decided which law was most favourable to a child and therefore prevailed, as stated in the written replies. Also, was that merely a practice or was case law invoked? She asked whether in the review of the existing legislation the Government had given thought to establishing a children's code that would reflect all the rights of children, including the principles of the Convention, which did not appear to be reflected in the legislation.

27. She was intrigued by the basic concept of children's rights in the country, whose 1979 Declaration of the Rights of the Mozambican Child predated the Convention. She wished to know what unique cultural trait had led to its formulation, how the rights-based approach was reflected in programmes and policies and how it differed from a social-welfare approach to children. Regarding cultural and public attitudes, she had read with interest about the multicultural approach of the country's National Strategic Plan against AIDS, which also covered reproductive health, sexuality and life skills and even condoms. How did that work in an Islamic society and how effective had it been?

28. Lastly, in a country with such a high illiteracy rate, how was the issue of children's social-welfare rights disseminated, in a way that could be comprehended by illiterate people?

The meeting was suspended at 11.35 a.m. and resumed at 11.50 a.m.

29. Mr. PESSANE (Mozambique) said that the Secretariat of State for Social Action had been created in 1990. It had replaced the National Directorate of Social Action under the Ministry of Health, which until then had been responsible for providing social assistance. Its objectives had included promoting the well-being of children. The growth in social services in Mozambique had required the transformation of the Secretariat of State into the Ministry for the Coordination of Social Action (MICAS), and it was determined that priority should be given to the family, women and children, the disabled and the elderly. MICAS had recently changed its name to the Ministry of Women and Coordination of Social Action (MMCAS) to indicate the increasing importance attached to the role played by women in society, particularly in educating children and guiding families.

30. On the issue of coordination between Governmental bodies, the State party recognized that one organization alone could not address the multitude of problems currently faced by Mozambique. Governmental ministries and social sectors made joint efforts to promote the rights of children, women and vulnerable groups. However, it was necessary to coordinate the action of each institution. The Government was endeavouring to decentralize the system of

social care; it was important that action taken by the central Government should filter down to community level. The Government counted on the support of NGOs, civil organizations and religious associations, the latter playing a particularly important role in the work done to promote the rights of children. He stressed that each institution was responsible for its own budget. The role of the Ministry of Women and Coordination of Social Action was to monitor the activities of each organization to ensure that the best interests of vulnerable groups were being taken into account.

31. Ms. SALES (Mozambique) said that the Convention was available in Portuguese, although some articles had been translated into other national languages. Mozambique had a wide variety of national languages and dialects, which made the task of translating the Convention into all national languages a slow process. The Government was translating the Convention on a stage-by-stage basis, translating first the general principles of the Convention and the section on children in situations of emergency. The Government counted on the support of civil society, NGOs and churches to disseminate the Convention. The media was an important tool for disseminating information about the rights of the child; the national radio station, for example, broadcast information about the Convention in both Portuguese and other national languages. Brochures had also been published, some of which were aimed specifically at children. A video on the rights of the child had also been produced in one local language for use in schools, to raise awareness of the Convention. Efforts were also being made to resolve issues based on religious and traditional beliefs that conflicted with the provisions of the Convention.

32. Ms. PINTO (Mozambique), replying to a question about the definition of the child, said the legal age of majority in Mozambique was 21 years. According to the Civil Code, at that age the law considered that an individual had acquired full capacity to exercise his or her rights and was responsible for his or her own person. Under the Penal Code, however, criminal responsibility was acquired at the age of 16. The law stipulated that minors under 21 and over 16 had limited liability and were thus protected against the application of lengthy prison sentences. Minors had to be separated from adults when detained. The Government intended to create juvenile detention centres for such children. Unfortunately, the country currently had no institutions or authorities exclusively dedicated to looking after children under the age of 16 who were guilty of offences under the Penal Code. Given the lack of such provisions, the current practice of dealing with children under 16 involved in infringement of the law was limited to warnings and reprimands. The children were released and handed back to their families.

33. With regard to the exercise of political rights, the Constitution assigned electoral capacity to citizens over the age of 18, who could vote or be elected, except for those legally deprived of that right. Under the Labour Law, legal capacity to work was acquired at the age of 15 years. There were, however, special exceptions allowing young people aged 12 to 15 to be employed on an occasional basis. Mentally retarded people were considered children and were not given any responsibilities, irrespective of their age.

34. The CHAIRPERSON said that the issue of the minimum age of criminal responsibility was still unclear. Could children as young as eight, for example, be taken into custody and issued with a reprimand before being handed back to their families? If a child under 16 was guilty of a serious crime or was repeatedly involved in infringement of the law, could he or she be prosecuted?

35. Ms. KARP agreed that more information should be provided about the administration of juvenile justice for children under 16 years. As there were no institutions or authorities dedicated to looking after children, how did the authorities react to serious crimes committed by children?

36. Ms. PINTO (Mozambique) said that the minimum age of criminal responsibility was fixed at 16. As there were no juvenile detention centres, the authorities could do no more than issue a warning. However, if a child under 16 was considered to pose a real threat to society or was putting his or her own life at risk, as was sometimes the case with street children, then arrangements could be made to detain the child for a temporary period until he or she could be reintegrated into society.

37. While international legal instruments and customary law were part of the legal order in Mozambique, in cases of conflict domestic law prevailed. However, as cultural patterns in the country varied greatly, it was very difficult for the Government to take too rigid a position. The aim was always to take the best interests of the child into account.

38. Replying to a question about the minimum age for marriage, she said that boys in Mozambique could marry at 16 and girls could marry at 14; in other words, national legislation was not in conformity with the Convention. It was true that current legislation on marriage discriminated against girls, who were allowed to marry at a younger age, because the traditional and religious environment affected the definition of the minimum age for marriage. The difference in age was due to the fact that girls reached puberty before boys, and, on average, women had their first sexual experience two and a half years earlier than men. Under the current reform of the Family and Inheritance Law, a recommendation was made that the age of marriage for both sexes should be 18 years, indicating that the Government was taking steps to bring national legislation into line with international law. In her view, that would be very difficult to put into practice.

39. Replying to a question about the body of legislation relating to minors, she said that in 1994, the Ministry for the Coordination of Social Action had begun a preliminary survey of pre- and post-independence laws, legal norms and decrees relating to minors, in order to identify and compile the legal documents requiring reformulation in order to be brought into line with the spirit of the Convention. The project had been interrupted shortly after beginning due to lack of funds. It had resumed in early 1998, with assistance from the United Nations Children's Fund (UNICEF) and the World Health Organization (WHO). In Mozambique, before an international legal instrument such as the Convention was ratified, a number of national institutions and other relevant sectors carried out a study to ensure that there was no major incompatibility between the

domestic legal order and the precepts of the international instrument. National information brigades had been set up to disseminate information about international legal instruments and other issues such as the importance of birth registration and vaccinations. However, some difficulties were encountered because of the number of different languages spoken throughout the country and because of illiteracy.

40. Mr. de CASTRO (Mozambique) said that the Government had drawn on contributions from all the relevant government ministries in preparing the country report. The Ministry of Women and Coordination of Social Action had provided the framework, and individual ministries had been responsible for devising their own programmes and strategies, bearing in mind the obligation to give due attention to the rights of the child. All NGOs active in the field of children's rights received guidance from the Ministry, which coordinated implementation with NGOs. Civil society played a major role in ensuring child welfare. Mozambique had set the target of reducing levels of poverty in its National Plan for the Reduction of Extreme Poverty. Children who had no one to turn to were given special assistance. Special priorities established to improve education, health care, agriculture, drinking water and primary and secondary education had both a social and an environmental impact. The National Plan, which also had a rural development component, would help in coping with many of the problems facing child welfare. Most of the population was illiterate, and very few people could read legislation; thus, information campaigns were carried out orally. The Government sent experts to the provinces to seek support for the adoption of legislation on international conventions. Grass-roots organizations, families and the local authorities took part in those discussions. There were television and radio debates and weekly programmes to publicize information on the conventions so that civil society could be involved in the decision-making process. Additional resources were needed for training purposes in that regard. With the support of the international community, Mozambique had a debt write-off initiative; the resources thus freed were used for health care and education. Clearly, there was a problem with resources, and Mozambique relied heavily on its international partners, such as UNICEF and the Save the Children Fund.

41. The CHAIRPERSON, turning to questions on general principles, civil rights and freedoms, and the family environment, referred to paragraph 89 of the country report, which acknowledged that there was no uniform or systematic acceptance of the importance of the concept of the best interests of the child. Had anything been done or was anything planned to remedy that situation? Who decided when it was appropriate to listen to the views of the child? Did such a decision depend on the judge? Was the child's age a factor?

42. The report cited a disturbing practice at a child-care institution in an SOS village (paras. 131-132): children admitted to the village had been considered "adopted" and their names changed. The Committee was concerned about the effect of such a practice on the identity of the children and the fact that that institution had discouraged contacts between children and their families so as to preserve their new personality.

43. He sought further details on the suspension of parental rights (paras. 205-206). If a parent abused a child, who was under an obligation to report the matter? Who notified the authorities, and who brought the case to court? Did Mozambique have social workers and child protection services?

44. Ms. OUEDRAOGO said that she was pleased to learn that Mozambique intended to make the age of majority the same for girls as for boys and encouraged it to step up its information campaign to bring about a change in attitudes in the population in that regard.

45. Bearing in mind the Beijing + 5 process, she asked whether progress had been made to ensure the legal protection of women's rights, in particular the right to inherit and to own property.

46. Turning to the right to life, survival and development, she was concerned about the high mortality rate due to clandestine abortions. How were abortions among adolescents discouraged?

47. The report showed that some efforts had been made to ensure that the views of the child were taken into account in the family. What policies were being pursued to heighten awareness of that right in the population?

48. She enquired about violence against and among children. Had any programmes been set up in the context of SADEC initiatives to combat that phenomenon?

49. She would like to know how Mozambique was promoting the registration of births. Given the high illiteracy rate, what policies were engaged to alert the population to the importance of registering children so as to ensure their rights as citizens?

50. The CHAIRPERSON asked whether the Government intended to approve the requests, referred to in the report, to extend the deadline for registration of birth from 30 to 90 days.

51. Ms. CHUTIKUL asked whether a national plan of action for the advancement of women had been drawn up in the wake of the Beijing World Conference on Women. Was there a comprehensive strategy that covered not only education for girls, but their status in general? How successful had Mozambique's programme been for the education for girls, and what was being done to step up efforts to eliminate gender discrimination?

52. Mr. CITARELLA, returning to the issue of criminal responsibility, noted that paragraph 550 of the report stated that no person aged under 16 could be subjected to criminal liability, whereas paragraph 551 said that minors aged between 10 and 14 who acted without knowing what they were doing might not be held criminally liable, and that, according to paragraph 552, if the criminal was under 18 at the time of the crime, he or she must never receive a punishment greater than a prison term of between two and eight years. He would appreciate an explanation of those different ages in Mozambique's criminal legislation.

53. The lack of statistics had an adverse impact on the problem of registration of births, because it was impossible to know what percentage of children had been registered. The institution of the family was currently facing great difficulties in Mozambique. The report acknowledged that parents did not fulfil their obligation to guide minors under their responsibility. Many children apparently left their families to avoid abuse. The freedom of a young girl to marry was still linked to the continued dominance of the family by men, whose rights were much more extensive than those of women.

54. Ms. TIGERSTEDT-TÄHTELÄ said she did not think it would be difficult to introduce legislation to guarantee equality of treatment. Mozambique had spoken of "safeguarding the interests of minors"; she called upon it to introduce the notion of the "best interests of the child".

55. Ms. AL-THANI drew attention to the problem of discrimination against disabled children. She was also concerned about alternative care and institutions, which constituted a major problem in Mozambique. There were many orphans who required alternative care. She asked for details on how an orphan child was monitored in an extended family, in a substitute family and in an institution and whether norms would be set for State institutions, which Mozambique had acknowledged to be sub-standard, poorly financed and understaffed.

56. The CHAIRPERSON, referring to paragraph 152 of the report, asked whether Mozambique had any plans for protecting the privacy of children in institutions.

57. Mr. AL-SHEDDI said that he had read a report according to which the pictures of children suspected of an offence were shown on television and in the press. Was that legal? If not, what did Mozambique intend to do to put an end to such a practice?

58. Ms. SARDENBERG sought information on the demining programme and the programme for the collection of weapons. She would also like to know about the involvement of religious associations in the implementation of the Convention.

59. Would the Government consider waiving the fine for late registration of birth in rural areas? Regarding the minimum age of responsibility, she asked about the facilities for detaining children under 16. How were those facilities staffed?

60. She asked whether there was a programme to ensure that customary law was applied in a manner consistent with the Convention, and whether any programmes were in place to change discriminatory attitudes towards children with disabilities and promote their inclusion in society.

61. Ms. KARP asked what procedure enabled children to lodge complaints about teachers, parents or the violation of their rights. Was it true that there was a hotline, but that it was not free of charge?

62. Where were children under the age of 16 placed when they were dangerous to themselves or others, and who decided on taking such a measure? There should be a system to look after children at risk and child offenders. The report referred to many cases in which young children had been detained for long periods before their age had actually been ascertained. Was there no way of determining a child's age prior to placement in detention?

The meeting rose at 1.10 p.m.